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February 13, 2008

VIA FACSIMILE

The Honorable Victor Marrero, U.S.D.J.
United States Courthouse
500 Pearl Street, Suite 660
New York, New York 10007

**USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 2-14-08**

**Re: Fortis Corporate Insurance a/s/o Empire Resources, Inc. v.
Total Quality Logistics, et al.
Civil Action No. 07-CV-3731 (VM)**

Dear Judge Marrero:

On behalf of defendant Hill's Trucking Inc. ("Hill's"), we write in response to plaintiff's letter, dated February 11, 2008, opposing an adjournment of the February 15 Initial Rule 16 Case Management Conference while the defendants' motion for a stay is pending.

Plaintiff's letter is a recap of her position on the underlying defendants' motion to stay. The motion has almost been fully briefed (Hill's submitted a reply brief on behalf of the defendants' general motion; we understand that co-defendant Total Quality Logistics will file papers that specifically address the assertions in plaintiff's opposition papers directed to that defendant).

The purpose of Hill's request for an adjournment of the hearing until the motion is decided is to try to save additional costs. If the motion is granted, the litigation dates established at the hearing will become moot. If the motion is denied, at that time the hearing could be held, and dates set.

Equally as important, the two third-party defendants in this case have not yet appeared in this action. Their participation in the Rule 16 hearing would certainly be beneficial to all parties involved.

The Honorable Victor Marrero, U.S.D.J.

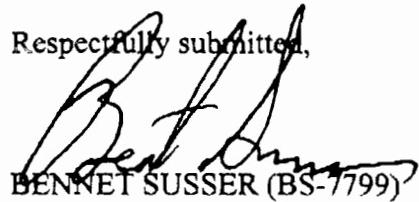
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Considerable attorneys' fees and costs have already been generated by the parties with respect to the motion for stay and request for the Rule 16 adjournment. When one weighs this against the amount in dispute (\$75,000 or, in the alternative, \$63,404.61), an adjournment of the hearing until the motion is decided makes sound economic sense. Hill's believes that this would benefit not only all the parties (including the plaintiff), but would also serve the judicial economy of this Court as well.

Accordingly, we again respectfully urge the Court to consider the defendants' request for a stay of the upcoming Rule 16 hearing, currently scheduled for February 15, 2008.

Respectfully submitted,



BENNET SUSSER (BS-7799)

cc: All Counsel of Record (via fax)

<u>Request DENIED. The conference</u>	
<u>shall proceed as rescheduled.</u>	
SO ORDERED:	
2-13-08	
DATE	VICTOR MARRERO, U.S.D.J.